

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Health and Human Services*

*July 2003*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
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*Joint Standing Committee on Health and Human Services*

**LD 159**                      **An Act To Refine the Criteria for Issuing a Certificate of Need**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUGAY		

LD 159 proposes to require that applications for certificates of need be judged in reference to the state health plan, data from the Maine Health Data Organization and other data available to the Commissioner of Human Services. It proposes to require that particular weight be given to information that the proposed health care services are innovations in high quality health care delivery and that the facility proposing the new health services is designed to provide excellent quality health care.

**LD 175**                      **An Act to Ensure Parity Among Mental Health Professionals Under Medicaid**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRYANT		

LD 175 proposed to allow licensed marriage and family therapists to be eligible for Medicaid reimbursement for counseling services whenever licensed professional counselors or licensed clinical professional counselors are eligible for Medicaid reimbursement for those services.

**LD 201**                      **Resolve, To Amend the Laws Governing the Health Care Workforce Leadership council**                      **RESOLVE 11**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MARTIN	OTP-AM	H-163

LD 201 proposes to establish the Health Care Workforce Center to provide an ongoing strategy for the allocation of the State's resources to the health care workforce in this State. The center would develop a strategic plan, convene groups of interested parties to recommend systemic changes and enhance and promote recruitment, recognition and retention of the health care workforce. The center would be directed by an 8-member board.

**Committee Amendment "A" (H-163)** proposed to amend Resolve 2001, chapter 89, which established the Health Care Workforce Leadership Council. Because members of the council were appointed late, the council was unable to meet the deadline for their interim report. This amendment proposed to set a date for the interim report in November 2003, retain the final report deadline of November 3, 2004 and require that the interim and final reports also address the potential role of and need for a permanent health care workforce council or center.

## *Joint Standing Committee on Health and Human Services*

### ***Enacted Law Summary***

Resolve 2003, chapter 11 amends Resolve 2001, chapter 89, which established the Health Care Workforce Leadership Council. Because members of the council were appointed late, the council was unable to meet the deadline for their interim report. This resolve sets a date for the interim report in November 2003, retains the final report deadline of November 3, 2004 and requires that the interim and final reports also address the potential role of and need for a permanent health care workforce council or center.

**LD 220**                      **Resolve, to Expand Community-based Options for Elderly and Disabled Persons**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY EDMONDS	ONTP	

LD 220 proposed to require the Department of Human Services to submit a waiver application by January 1, 2004 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to expand community-based options for elderly and disabled persons.

**LD 226**                      **Resolve, to Exempt Bona Fide Education Trust Funds from Family Income for Purposes of Determining Benefits from the Department of Human Services**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	ONTP	

LD 226 proposed to require the Department of Human Services to exempt bona fide education trust funds from the computation of family income when determining eligibility for governmental support for families with children.

**LD 227**                      **An Act to Ban Smoking in Beano and Bingo Halls**                      **PUBLIC 379**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MAYO	OTP      MAJ ONTP     MIN	H-309   DUNLAP

LD 227 proposed to prohibit smoking in public places where beano or bingo games are being conducted.

**House Amendment "B" (H-309)** proposed to prohibit smoking in places where beano or bingo games are being conducted, but allow smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.